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Survey – Study of Montana’s Office of Commissioner of Political Practices Survey

Section 1. Campaign Practices Complaints

Part 1.

- 1. Are there provisions in your state statutes that restrict who may or may not initiate a campaign practices complaint? For example, a provision that only a registered voter or only a person who would be directly harmed by the alleged violation may be a complainant.**

Anyone may submit a complaint to the Georgia Government Transparency and Campaign Finance Commission (“the Commission”) to investigate; however, the Commission is the Complainant in an action before the Georgia Office of State Administrative Hearings if the Commission decides to move forward after its investigation and preliminary hearing.

- 2. Is the identity of the person against whom a complaint has been made kept confidential before a finding has been issued?**

No

- 3. Which of the following best describes how an alleged violation of a campaign practices law is INITIALLY handled in your state? (Assume the complaint is technically sufficient and has been accepted).**

“The complaint is investigated and a finding is issued by an agency other than a county/district attorney or the Attorney General’s Office.” Specifically, after the complaint has been reviewed by the Commission, the Commission holds a preliminary hearing and decides whether the matter shall proceed to an administrative hearing.

Part 2. – Investigation and Finding

- 1. Is the finding after the investigation binding?**

The findings of the Commission are non-binding findings to determine whether there are reasonable grounds to move forward with a notice of summons of an administrative hearing. The decision of the administrative law judge is subject to judicial review.

- 2. Does a single official or a board/commission/panel issue the finding?**

A single official, the administrative law judge, issues the finding at the administrative hearing.

- 3. Who sets the salary for the official or the board members?**

The appointing authority sets the salary for the official. The salary of the Chief Administrative Law Judge is set by the Governor; the salary of all other administrative law judges is set by the Chief Administrative Law Judge.

- 4. Does state statute require that the official or the board/commission/panel that issues the finding have certain qualifications?**

Yes – Chief Administrative Law Judge must be admitted to practice law in Georgia for at least 5 years; other administrative law judges must be admitted to practice law in Georgia for at least 3 years.

Section 2. Lobbying

Part 1.

- 1. Are there provisions in your state statutes that restrict who may or may not initiate a lobbying complaint? For example, a provision that only a registered voter or only a person who would be directly harmed by the alleged violation may be a complainant.**

Anyone may submit a complaint to the Georgia Government Transparency and Campaign Finance Commission ("the Commission") to investigate; however, the Commission is the Complainant in an action before the Georgia Office of State Administrative Hearings if the Commission decides to move forward after its investigation and preliminary hearing.

- 2. Is the identity of the person against whom a lobbying complaint has been made kept confidential before a finding has been issued?**

No

- 3. Which of the following best describes how an alleged violation of a lobbying law is INITIALLY handled in your state? (Assume the complaint is technically sufficient and has been accepted).**

"The complaint is investigated and a finding is issued by an agency other than a county/district attorney or the Attorney General's Office." Specifically, after the complaint has been reviewed by the Commission, the Commission holds a preliminary hearing and decides whether the matter shall proceed to an administrative hearing.

Part 2. – Investigation and Finding

- 1. Is the finding after the investigation binding?**

The findings of the Commission are non-binding findings to determine whether there are reasonable grounds to move forward with a notice of summons of an administrative hearing. The decision of the administrative law judge is subject to judicial review.

- 2. Does a single official or a board/commission/panel issue the finding?**

A single official, the administrative law judge, issues the finding at the administrative hearing.

- 3. Who sets the salary for the official or the board members?**

The appointing authority sets the salary for the official. The salary of the Chief Administrative Law Judge is set by the Governor; the salary of all other administrative law judges is set by the Chief Administrative Law Judge.

4. Does state statute require that the official or the board/commission/panel that issues the finding have certain qualifications?

Yes – Chief Administrative Law Judge must be admitted to practice law in Georgia for at least 5 years; other administrative law judges must be admitted to practice law in Georgia for at least 3 years.

Section 3. Ethics – Violations of EXECUTIVE BRANCH public officials and employees

Part 1.

1. Are there provisions in your state statutes that restrict who may or may not initiate an ethics complaint? For example, a provision that only a registered voter or only a person who would be directly harmed by the alleged violation may be a complainant.

Yes

2. Is the identity of the person against whom an ethics complaint has been made kept confidential before a finding has been issued?

No

3. Which of the following best describes how an alleged violation of an ethics law is INITIALLY handled in your state? (Assume the complaint is technically sufficient and has been accepted).

Other – Petition for recall election

Part 2. – Investigation and finding

1. Is the finding after the investigation binding?

Yes

2. Who issues the finding, a single official or a board commission, or panel?

N/A – Voters decide at a recall election if petition gets 5,000 signatures within number of days set by statute.

3. Who sets the salary for the official or the board members?

N/A – Voters unpaid

4. Does the state statute require that the official or board member have certain qualifications?

N/A – must be a Registered Georgia Voter